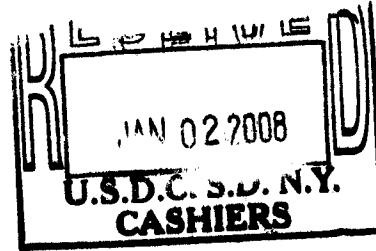


Jonathan Zavin (JZ-1846)
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 (212) 407-4000
 Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

JUDGE CONNER

WARNER BROS. ENTERTAINMENT INC., a
 Delaware corporation,

Plaintiff,

x

: Civil Action No.:

08 CV 009

-against-

SANDRA RIVERA, an individual,

Defendant.

:

: **COMPLAINT FOR COPYRIGHT
 INFRINGEMENT**

x

Plaintiff, by its attorneys, for its complaint against Sandra Rivera ("Defendant"), alleges:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).
2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
3. This Court has personal jurisdiction over the Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a), because Defendant resides in this District and the acts of infringement complained of herein originated in this District.

PARTIES

4. Plaintiff Warner Bros. Entertainment Inc. ("Plaintiff") is one of the world's leading creators and distributors of motion pictures. Plaintiff brings this action to stop Defendant from copying and distributing to others over the Internet unauthorized copies of Plaintiff's copyrighted motion pictures. Defendant's infringements allow Defendant and others to unlawfully obtain and distribute for free unauthorized copyrighted works that Plaintiff spends millions of dollars to create and/or distribute. Each time Defendant unlawfully distributes a free copy of one of Plaintiff's copyrighted motion pictures to others over the Internet, each person who copies that motion picture can then distribute that unlawful copy to others without any significant degradation in sound and picture quality. Thus, Defendant's distribution of even one unlawful copy of a motion picture can result in the nearly instantaneous worldwide distribution of that single copy to a limitless number of people. Plaintiff now seeks redress for this rampant infringement of its exclusive rights.

5. Plaintiff Warner Bros. Entertainment Inc. is a Delaware corporation, with its principal place of business at 4000 Warner Boulevard, Burbank, California. Warner Bros. Entertainment Inc. ("Warner") is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution. Warner is the owner of the copyrights and/or the pertinent exclusive rights under copyright in the United States in motion pictures, including those identified in Exhibit A, which have been unlawfully distributed over the Internet by the Defendant.

6. Upon information and belief, Defendant, an individual, resides in this District.

COUNT I

INFRINGEMENT OF COPYRIGHTS

7. Plaintiff is responsible for the creation, development, production and distribution of numerous commercially released motion pictures.

8. At all relevant times Plaintiff has been the holder of the pertinent exclusive rights infringed by Defendant, as alleged hereunder, for certain copyrighted motion pictures, including, but not limited to, *North Country* (the "Copyrighted Motion Picture"). The Copyrighted Motion Picture is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. A true and correct copy of this Certificate of Copyright Registration is attached hereto as Exhibit A.

9. The Copyrighted Motion Picture contains a copyright notice advising the viewer that it is protected by the copyright laws.

10. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, has used, and continues to use, Bit Torrent (-B), an online media distribution system to distribute to the public, including by making available for distribution to others, on or about December 19, 2005 the Copyrighted Motion Picture. In doing so, Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under the Copyright Act of 1976 (17 U.S.C. § 101 *et seq.*).

11. The foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to Plaintiff's rights.

12. As a result of Defendant's infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504, and to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

13. Defendant's conduct is causing, and unless enjoined and restrained by this Court will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further infringing Plaintiff's exclusive rights under the Copyright Act of 1976 and ordering that Defendant destroy all copies of the Copyrighted Motion Picture made in violation of those rights.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For entry of preliminary and permanent injunctions providing Defendant shall be enjoined from directly or indirectly infringing Plaintiff's rights in the Copyrighted Motion Picture and any motion picture, whether now in existence or later created, that is owned or controlled by Plaintiff ("Plaintiff's Motion Pictures"), including without limitation by using the Internet to reproduce or copy any of Plaintiff's Motion Pictures, to distribute any of Plaintiff's Motion Pictures, or to make any of Plaintiff's Motion Pictures available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiff. Defendant also shall destroy all copies of Plaintiff's Motion Pictures that Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization and shall destroy all copies of those downloaded motion pictures transferred onto any physical medium or device in Defendant's possession, custody, or control.

2. For actual damages or statutory damages pursuant to 17 U.S.C. § 504, at the election of Plaintiff.
3. For Plaintiff's costs.
4. For Plaintiff's reasonable attorneys' fees.
5. For such other and further relief as the Court deems proper.

Dated: New York, New York
January 2, 2008

Attorneys for Plaintiff

By: *Christina Monteiro*

Jonathan Zavin (JZ-1846)
Christina S. Monteiro (CM-8395)
LOEB & LOEB LLP
345 Park Avenue
New York, NY 10154-0037
Telephone: (212) 407-4000
Facsimile: (212) 407-4990

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM PA

For a Work of the Performing Arts
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PA 1-206-210

1 PA
EFFECTIVE DATE OF REGISTRATION

2-1-06
Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK
NORTH COUNTRY

PREVIOUS OR ALTERNATIVE TITLES
CLASS ACTION aka UNTITLED NIKI CARO PROJECT aka UNTITLED MINING PROJECT

2 NATURE OF THIS WORK
See instructions
MOTION PICTURE

3 NAME OF AUTHOR
a Schematic Productions GmbH & Co. KG

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work
a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of _____

Deported in _____ Germany

WAS THIS AUTHOR'S CONTRIBUTION TO
THE WORK

Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either
of these questions is
"Yes," see detailed
instructions

NATURE OF AUTHORSHIP
Briefly describe nature of the material created by this author in which copyright is claimed
ENTIRE WORK

4 NAME OF AUTHOR
b

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work
a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of _____

Deported in _____

WAS THIS AUTHOR'S CONTRIBUTION TO
THE WORK

Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either
of these questions is
"Yes," see detailed
instructions

NATURE OF AUTHORSHIP
Briefly describe nature of the material created by this author in which copyright is claimed

5 NAME OF AUTHOR
c

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work
a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of _____

Deported in _____

WAS THIS AUTHOR'S CONTRIBUTION TO
THE WORK

Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either
of these questions is
"Yes," see detailed
instructions

NATURE OF AUTHORSHIP
Briefly describe nature of the material created by this author in which copyright is claimed

6 YEAR IN WHICH CREATION OF THIS
WORK WAS COMPLETED
This information
must be given
ONLY IF THIS WORK
has been published.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Date _____ Month _____ Year _____
USA & Canada _____ Nation

7 COPYRIGHT CLAIMANT(S)
Name and address must be given even if the claimant is the
same as the author given above 2.
Schematic Productions GmbH & Co. KG
Beavorstrasse 7, D-42031
Gruenwald/Gelsenkirchen, Germany

APPLICATION RECEIVED

FEB 01 2006

ONE DEPOSIT RECEIVED

FEB 01 2006

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

See instructions
before completing
this space.

TRANSFERS. If the claimant(s) named here in space 4 are different from the author(s) named
in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

CONTINUATION SHEET FOR APPLICATION FORMS

- This Continuation Sheet is used in conjunction with Basic Forms PA, SE, SR, TX, and VA only. Indicate which basic form you are continuing in the space in the lower right-hand corner.
- If at all possible, try to fit the information called for into the spaces provided on the basic form.
- If you do not have space enough for all the information you need to give on the basic form, use this continuation sheet and submit it with the basic form.
- If you submit this continuation sheet, clip (do not tape or staple) it to the basic form and fold the two together before submitting them.
- Part A of this sheet is intended to identify the basic application. Part B is a continuation of Space 2. Part C (on reverse side of this sheet) is for the continuation of Spaces 1, 4, or 6. The other spaces on the basic form call for specific items of information and should not need continuation.

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

FORM A /CON

UNITED STATES COPYRIGHT OFFICE

RE

PA 1-200-210

PA PAU DE 200 000 OR 000 TX TXU VA VAU

EFFECTIVE DATE OF REGISTRATION

2-1-06

Month

Day

Year

CONTINUATION SHEET RECEIVED

FEB 01 2006

Page 3 of 4 pages

A

IDENTIFICATION OF CONTINUATION SHEET: This sheet is a continuation of the application for copyright registration on the basic form submitted for the following work:

TITLE: (Give the title as given under the heading "Title of this Work" in Space 1 of the basic form.)
NORTH COUNTRY

Identification
of
Application

NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S): (Give the name and address of at least one copyright claimant as given in Space 4 of the basic form.)
Schematische Produktionen GmbH & Co. KG
Beverfelderplatz 7, D-82031
Grunwald/Gelsenkirchen, Germany

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

B

d

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of _____
Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No If the answer to either of these questions is "Yes," see detailed instructions.

Pseudonymous? Yes No "Yes," see detailed instructions.

Continuation
of Space 2

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by the author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

e

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of _____
Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No If the answer to either of these questions is "Yes," see detailed instructions.

Pseudonymous? Yes No "Yes," see detailed instructions.

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by the author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH
Year Born Year Died

f

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR { Citizen of _____
Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No If the answer to either of these questions is "Yes," see detailed instructions.

Pseudonymous? Yes No "Yes," see detailed instructions.

NATURE OF AUTHORSHIP

Briefly describe nature of the material created by the author in which copyright is claimed.

CONFIRMATION OF Client's choice: Space 1 Space 4 Space 6

C

Confirmation
of Client
Space

Space 6 (Presenting Material) Continued:

Previously entitled "TORTURED AND CARO PROJECT" by Michael Seltman. Certain film clips and sound recordings. Barbie Doll used by permission of Mattel, Inc.